

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

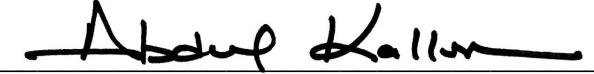
MARVIN FORTENBERRY, )  
Petitioner, )  
vs. )  
BILLY MITCHEM, et al., ) Civil Action Number  
Respondents. ) 5:11-cv-3561-ACK-HGD  
)

**MEMORANDUM OPINION**

On July 8, 2013, the magistrate judge entered a report and recommendation and gave the parties until July 22, 2013 to file objections. Doc. 16. Neither party has filed any objections.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendation of the magistrate judge to **DENY** Fortenberry's petition for writ of habeas corpus because his claims are either unsupported or procedurally defaulted.

**DONE** the 30th day of July, 2013.

  
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**ABDUL K. KALLON**  
UNITED STATES DISTRICT JUDGE